

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF THE OPERATING ENGINEERS'
LOCAL 324 PENSION FUND, TRUSTEES OF THE
OPERATING ENGINEERS' LOCAL 324 HEALTH
CARE PLAN, TRUSTEES OF THE OPERATING
ENGINEERS' LOCAL 324 VACATION & HOLIDAY
FUND, TRUSTEES OF THE OPERATING
ENGINEERS' LOCAL 324 RETIREE BENEFIT FUND,
TRUSTEES OF THE OPERATING ENGINEERS'
LOCAL 324 APPRENTICESHIP FUND, and
TRUSTEES OF THE OPERATING ENGINEERS'
LOCAL 324 DEFINED CONTRIBUTION PLAN,

Plaintiffs,

v.

Case No. 09-14425
Honorable David M. Lawson

MOSS CONSTRUCTION CO., HOMER MOSS, JR.,
THADDEUS MOSS, and RECIE MOSS,

Defendants.

ORDER DENYING PLAINTIFFS' MOTION TO AMEND CONSENT JUDGMENT

Presently before the Court is the plaintiffs' motion to amend the consent judgment in this case. In this district, movants must seek concurrence in the relief requested before filing a motion or request with this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The plaintiffs do not state in their motion that concurrence was sought from the defendants before filing the motion. “It is not up to the Court to expend its energies when the parties have not sufficiently expended their own.” *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The plaintiffs have filed their motion in violation of the applicable rules.

Accordingly, it is **ORDERED** that the plaintiffs’ motion to amend consent judgment [dkt. #57] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: April 16, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 16, 2012.

s/Deborah R. Tofil
DEBORAH R. TOFIL